

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND**
Greenbelt Division

IN RE:

Case No. 12-10247-PM

MICHAEL A. MAYHEW

ROBIN MAYHEW AKA ROBIN E MAYHEW

Debtors

Chapter 7

DLJ MORTGAGE CAPITAL, INC
c/o SELENE FINANCE LP

Movant

vs.

MICHAEL A. MAYHEW

ROBIN MAYHEW AKA ROBIN E MAYHEW

Debtors/Respondents

and

LAURA J. MARGULIES

Trustee/Respondent

MOTION FOR RELIEF FROM AUTOMATIC STAY

COMES NOW, DLJ Mortgage Capital, Inc c/o Selene Finance LP ("Movant"), by and through counsel, and respectfully represents as follows:

1. The court has jurisdiction over this matter pursuant to 28 U.S.C. §§1334 and 157.
2. Movant is a mortgage lender/servicer.
3. On or about January 06, 2012, Michael A. Mayhew and Robin Mayhew aka Robin E Mayhew ("Debtors") filed a voluntary petition for relief in this Court under Chapter 13 which was subsequently converted to a case under Chapter 7.
4. Laura J. Margulies is the Chapter 7 Trustee of the Debtors' bankruptcy estate.
5. At the time of the initiation of the bankruptcy proceedings, the Debtors owned a parcel of real estate located in Prince George's County, Maryland, and improved by a residence known as 2308 Oak Glen Way Forestville, MD 20747, ARTA 2308 Oak Glen Way District Heights MD, 20747, (the "Property").
6. The Property is encumbered by a Deed of Trust securing the Movant, and recorded among the land records of the aforesaid county. A copy of the Deed of Trust is attached hereto.

7. The Deed of Trust secures payment of a Promissory Note now payable to Movant. A copy of the Note is attached hereto.

8. The amount due under the Deed of Trust securing the Note payable to Movant as of April 06, 2015 is approximately \$199,570.00, plus per diem interest and attorney's fees and court costs related to the present Motion for Relief from Automatic Stay.

9. The Debtors are contractually due for the November 01, 2014 payment and every payment thereafter. More specifically the Debtors are contractually due for the November 01, 2014 through April 01, 2015 monthly payments, plus late charges and attorney's fees and costs incurred with the filing of the present motion. An Arrearage Worksheet is attached hereto, which lists both pre and post petition amounts due.

10. As of April 06, 2015, the approximate total debt is as follows:

| | |
|---------------------------|---------------------|
| Unpaid Principal Balance | \$193,266.96 |
| Interest Due | \$6,423.54 |
| Late Fees | \$343.51 |
| Escrow Advance Balance | \$100.68 |
| Pro Rata MIP/PMI | \$0.00 |
| Corporate Advance Balance | \$822.01 |
| Accumulated NSF Charges | \$60.00 |
| Less: Suspense Balance | \$1,446.70 |
| Total: | <u>\$199,570.00</u> |

11. The Movant avers that there is no equity in the Property because the total liens against the Property exceed its fair market value. The Debtors have scheduled the Property with a market value of \$138,100.00 in their filed Schedules.

12. The Movant lacks adequate protection of its interest in the Property.

13. The Movant has been and continues to be irreparably injured by the stay of 11 U.S.C. §362(a) of the Bankruptcy Code, which prevents Movant from enforcing its rights under its Note and Deed of Trust.

14. Cause exists for lifting the automatic stay imposed by 11 U.S.C. §362(a) of the Bankruptcy Code so as to enable the Movant to enforce its rights under its Note and Deed of Trust.

WHEREFORE, the Movant its successors and/or assigns prays that this court:

1. Enter an order terminating the automatic stay imposed by 11 U.S.C. §362(a) of the Bankruptcy Code so as to enable Movant to proceed with a foreclosure action in the Circuit Court for Prince George's County, Maryland against the property located at 2308 Oak Glen Way Forestville, MD 20747, ARTA 2308 Oak Glen Way District Heights MD, 20747, , and to allow the successful purchaser at the foreclosure sale to obtain possession of same; and

2. Grant such other and further relief as may be just and necessary.

Dated: April 24, 2015

Respectfully Submitted,
BWW Law Group, LLC

/s/ Jonathan S. Foreman

Jonathan S. Foreman, Esq., MD Fed. Bar No.
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CERTIFICATE OF SERVICE

I certify that on this 24th day of April, 2015, the following person(s) were or will be served a copy of the foregoing Motion for Relief from Automatic Stay via the CM/ECF system or by first class mail, postage prepaid:

Laura J. Margulies, Trustee
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Suren G. Adams, Esq.
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/s/ Jonathan S. Foreman
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